

REGULAR MEETING OF THE CITY COUNCIL: Austin, Texas, Feb. 13, 1919.

The Council was called to order by the Mayor. Roll call showed the following present: Mayor Wooldridge, Councilmen Anthony, Bartholomew, Haynes, and Powell, 5; absent none.

The minutes of Feb. 6, 7, 8 and 10 were read, and approved by a vote of 5 yeas, no nays.

The January reports of the City Sexton, Fire Marshal, Fire Chief, City Health Officer, Girls' Welfare Worker, and City Marshal were read and ordered filed.

A letter from M. H. Goldsmith was read, asking relief for certain residents of West Austin from soot from the smokestack of the Austin Street Railway Company.

A report of the City Engineer was read relative to the improvement of certain streets with asphalt and sand, which he recommended.

There was laid before the Council the following resolution:

RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That one-half, or \$7.40, of the fine and costs assessed against J. O. Corwin, for speeding, in Cause No. 13218, Corporation Court of this city, be and the same is hereby remitted. This action is taken upon the recommendation of the officer who arrested the said J. O. Corwin, and for the reason that, as an accommodation to three students at the School of Military Aeronautics, the said Corwin was driving his car rapidly in order to prevent their being late at an examination and thus losing the opportunity to complete their course.

BE IT RESOLVED FURTHER:

That the sum of \$7.40 be and the same is hereby appropriated out of the General Contingent Fund of this city for the purpose of making the proper refund to the said J. O. Corwin.

The resolution was passed by a vote of 5 yeas, no nays.

APPROVED, Feb. 13, 1919: A. P. Wooldridge, Mayor.

A communication from W. L. Eyres, Assistant Superintendent of the Water, Light and Power Department, was read relative to the cost, etc., of the completion of the Department's system of underground conduits.

The Mayor laid before the Council the following resolution:

Whereas, a controversy exists between the City of Austin and E. H. Perry, owner of a tract of land 68-2/3 feet front on Lavaca Street by 115 feet deep on West Tenth Street in this city, concerning the true south property line of said property, the city claiming that it should be about four feet and six inches (4'6") north of a retaining wall heretofore constructed upon said premises by the City of Austin and being at the present time about to be substituted by a concrete brick veneer wall occupying the place of said former concrete retaining wall, and the said E. H. Perry contending that the present line of said brick veneer wall was located for him by the city in adjustment of a controversy between him and the city concerning the effect of a change of the grade of the street on both the Lavaca Street and West Tenth Street sides of said above described tract of land at the time when the city was planning to pave Lavaca Street at, below and above said corner of West Tenth Street and

*Mon. 13  
Feb. 1919*

*Letter of M. H.  
Goldsmith*

*Report of  
City Engineer*

*J. O. Corwin  
Fine*

*W. L. Eyres:  
cost of completion  
of underground  
conduits*

*E. H. Perry*

Lavaca Street, the said E. H. Perry claiming that said proposed changed grade damaged his premises at said corner of West Tenth and Lavaca Streets, and it is admitted in this controversy that the City Engineer protested against the retaining wall being located along the line where it was located and where it is now about to be substituted by a brick veneer concrete wall; and

Whereas, it is further admitted by the said E. H. Perry that the statute of limitation does not figure in this controversy, but that his rights are based upon an adjustment of matters on the strength of which, as he claims, the City Council located the concrete retaining wall in the place of the present proposed brick veneer concrete wall; and

Whereas, it is further determined by this resolution that neither the rights of the City of Austin nor the rights of the said E. H. Perry shall be adversely or beneficially affected by the erection by the said E. H. Perry of a brick veneer concrete wall upon the site and along the line of the said original retaining wall there located by the City of Austin,

Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN, TEXAS:

That if the action of the City Council in erecting said retaining wall under the compromise alleged to have been made by the said E. H. Perry and admitted by the City Council is final and conclusive against the City of Austin, then his right to said four feet and six inches (4'6") south of what the City claims is the true property line of his property on the south is conceded; otherwise, it is resolved that the present or any subsequent Council shall have the right to reopen said matter and have the controversy determined by the courts, as the law in such matters shall provide and direct, and  
BE IT FURTHER RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That a copy of this resolution shall be transmitted to Messrs. Brooks, Hart & Woodward, Attorneys in this matter of E. H. Perry.

The resolution was adopted by a vote of 5 yeas, no nays.

APPROVED, Feb. 13, 1919: A. P. Wooldridge, Mayor.

The Mayor laid before the Council the following resolution:  
RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN, TEXAS:

That the Mayor of this city, by reason of the fact that the deed executed by J. W. Robertson, Mayor of the City of Austin, Texas, to Frances Patterson of Cemetery Lot No. 96 of Oakwood Cemetery, which deed was dated March 8th, 1886, was not acknowledged for record, is hereby authorized to execute a duplicate and substitute deed for said deed dated March 8th, 1886, to the said Frances Patterson.

The resolution was passed by a vote of 5 yeas, no nays.

APPROVED, Feb. 13, 1919: A. P. Wooldridge, Mayor.

The Council then adjourned.

*V. E. Martin*

City Clerk

*Frances Patterson  
deed dated March 8th, 1886  
to Cemetery Lot*